

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, *et al.*,

*Defendants.*

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Case No. 3:21-cv-00259  
[Lead Case]

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UNITED STATES OF AMERICA,

*Plaintiff,*

v.

STATE OF TEXAS, *et al.*,

*Defendants.*

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Case No. 3:21-cv-00299  
[Consolidated Case]

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**EXHIBIT B**

**EMAIL FROM UNITED STATES TO STATE DEFENDANTS, ASKING STATE  
DEFENDANTS TO SEND RULE 45 SUBPOENAS TO EXECUTIVE AGENCIES**

## Jack DiSorbo

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**From:** Eric Hudson  
**Sent:** Friday, March 18, 2022 5:18 PM  
**To:** Elizabeth Saunders  
**Cc:** Jeff White; Kathleen Hunker; Jack DiSorbo; Aaron Barnes; Zachary Berg; Patrick Sweeten  
**Subject:** FW: SB 1: State Department Discovery

FYI. To the file, please.

s/Eric Hudson

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**From:** Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>  
**Sent:** Wednesday, February 23, 2022 8:03 AM  
**To:** Eric Hudson <Eric.Hudson@oag.texas.gov>; Jeff White <Jeff.White@oag.texas.gov>; Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>  
**Cc:** Dellheim, Richard (CRT) <Richard.Dellheim@usdoj.gov>; Yun, Jennifer (CRT) <Jennifer.Yun@usdoj.gov>; Stewart, Michael (CRT) <Michael.Stewart3@usdoj.gov>; Paikowsky, Dana (CRT) <Dana.Paikowsky@usdoj.gov>  
**Subject:** RE: SB 1: State Department Discovery

Eric,

I write to provide an update on your agency discovery requests.

With respect to CISA, the Department of Homeland Security advises that the proper procedure is to send a subpoena pursuant to the processes established under *United States ex rel. Touhy v. Regan*, 340 U.S. 462 (1951). Homeland Security's *Touhy* regulations are available at 6 C.F.R. Part 5. CISA requests that you serve the subpoena via email to [cisa.occ@cisa.dhs.gov](mailto:cisa.occ@cisa.dhs.gov) and copy my team at DOJ. To ensure that the full scope of information you seek is covered by the subpoena, they recommend that you direct the subpoena simply to CISA. If you have a strong preference to direct the subpoena to a named individual, it can be directed to CISA, c/o CISA Chief Counsel.

With respect to requests concerning components of the Department of Justice, including the FBI, we will accept those as party discovery. To the extent that you wish to target such requests towards particular offices or custodians, specificity will aid us in identifying any responsive documents.

Please let me know if you have any questions.

Dan

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**From:** Freeman, Daniel (CRT)  
**Sent:** Tuesday, February 22, 2022 11:12 AM  
**To:** Eric Hudson <[Eric.Hudson@oag.texas.gov](mailto:Eric.Hudson@oag.texas.gov)>; Jeff White <[Jeff.White@oag.texas.gov](mailto:Jeff.White@oag.texas.gov)>; Jack DiSorbo <[Jack.DiSorbo@oag.texas.gov](mailto:Jack.DiSorbo@oag.texas.gov)>  
**Cc:** Dellheim, Richard (CRT) <[Richard.Dellheim@usdoj.gov](mailto:Richard.Dellheim@usdoj.gov)>; Yun, Jennifer (CRT) <[Jennifer.Yun@usdoj.gov](mailto:Jennifer.Yun@usdoj.gov)>; Stewart, Michael (CRT) <[Michael.Stewart3@usdoj.gov](mailto:Michael.Stewart3@usdoj.gov)>; Paikowsky, Dana (CRT) <[Dana.Paikowsky@usdoj.gov](mailto:Dana.Paikowsky@usdoj.gov)>  
**Subject:** SB 1: State Department Discovery

Eric,

I am continuing to work on your agency discovery requests. With respect to the State Department, the proper procedure is to send a *Touhy* letter to my team and provide a courtesy copy by mail to the following address:

The Executive Office  
Office of the Legal Adviser  
Suite 5.600  
600 19th Street NW  
Washington, D.C. 20522

The State Department's *Touhy* regulations are available at 22 C.F.R. Part 172. The State Department has also provided the following guidance: "Please set forth in writing and with as much specificity as possible, the nature and purpose of the official information sought, including a description of the records you are requesting, if any. This information is needed so that the Department can determine whether it is appropriate to authorize the disclosure of the requested information and/or records."

Please let me know if you have any questions. I will be in touch regarding the remaining requests.

Dan

Daniel J. Freeman  
Trial Attorney  
Voting Section, Civil Rights Division  
U.S. Department of Justice  
4 Constitution Square  
150 M Street NE, Room 8.143  
Washington, DC 20530  
(202) 305-4355 (o), (202) 305-5451 (c)  
[daniel.freeman@usdoj.gov](mailto:daniel.freeman@usdoj.gov)